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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,344	02/12/2004	Mark R. Comer	MRC03-01	8221
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Angus C. Fox, III 4093 N. Imperial Way Provo, UT 84604-5386				
EXAMINER				
VANDERHORST, MARIA VICTORIA				
ART UNIT		PAPER NUMBER		
4194				
MAIL DATE		DELIVERY MODE		
12/17/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,344

Applicant(s)

COMER, MARK R.

Examiner

Maria Victoria Vanderhorst

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/12/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAIL ACTION

Status of Claims

Examiner's Note: The examiner has pointer out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Drawings

1. The drawing FIG 2 is objected to because the monthly subscription fee payment numeral should be consistent with the numeral in the detail description of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,779,034 Mundy in view of US 5,794,221 Egendorf.

As to claim 1, Mundy discloses the invention substantially as claimed, including in a method of providing Internet service access (**Col 1, line 66-Col 2, line 6**) , said method including the steps of: establishing a business entity which provides wholesale Internet access service; (**Col 2, lines 2-6**) establishing a contractual relationship with at least one reseller organization that desires to resell the wholesale Internet access service provided by the business entity, (**Col 2, lines 6-9**) said at least one reseller

organization agreeing to a certain price structure for the provision of the wholesale Internet access service; (**Col 2, lines 17-22**) recruiting end user subscribers who desire to obtain Internet service access (**Col 2, lines 26-36**) and who agree to pay a recurring fee for such access (**Abstract**), said recruiting being performed by said at least one reseller organization or its agents; collecting the fees from end user subscribers, said collecting being performed by said business entity (**Col 2, lines 58-66**).

Mundy does not specifically disclose paying the reseller organization the difference between the amount collected from end user subscribers and the cost of the wholesale Internet access service.

Egendorf discloses paying the reseller organization the difference between the amount collected from end user subscribers and the cost of the wholesale Internet access service at **Abstract**. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the payment of a difference collected disclosed by Egendorf in the invention of Mundy because this would offload billing responsibilities from the reseller and allow it to focus on providing service to customers.

As to claim 6, Mundy discloses the e-mail service provided to each end user subscriber that is branded to identify the reseller organization through which he subscribes to the Internet access service. (**Col 1, 61-65**).

Claims 2,3,7, 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,779,034 Mundy in view of US 5,794,221 Egendorf and further in view of US 6,607,136 Atsmon et al.

As to claim 2, Mundy discloses the invention substantially as claimed. See the discussion of claim 1. Mundy does not specifically disclose a rewards program awarding points. Atsmon discloses this limitation at **(Col 55, lines 17-37, Col. 97, line 62- Col. 103 line 16)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mundy to include the points reward feature of Atsmon because this would increase consumer loyalty, as disclosed at **(Col. 97,line 62- Col. 103 line 16)**.

As to claim 3, Atsmon further discloses online store at Col 46, lines 6-19.

As to claim 7, Atsmon discloses a software program (Also called application software) and a Database at **(Col. 6, lines 45-48, Col. 5, lines 15-20)**.

As to claim 11, see the discussions of claims 1, 2, and 3 which recite similar limitations.

As to claim 14, Mundy discloses the invention substantially as claimed. See the discussion of claim 6. Mundy further discloses the e-mail service provided to each

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end user subscriber that is branded to identify the reseller organization through which he subscribes to the Internet access service. (**Col 1, 61-65**).

Claims 4-5, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,779,034 Mundy in view of US 5,794,221 Egendorf further in view of US 6,442,529 Krishan et al.

As to claim 4, Mundy discloses the invention substantially as claimed. See the discussion of claim 1, Mundy does not specifically disclose the selected reseller organization selected from the group consisting of charities, service organizations, universities, churches, and for-profit businesses. Krishan discloses the selected reseller organization selected (**Abstract**) from the group consisting of charities, service organizations, universities, churches, and for-profit businesses. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the selection of the reseller organization disclosed by Krishan in the invention of Mundy because this would permit ISPs provide different kind of services and products to their subscribers.

As to claim 5, Mundy discloses the invention substantially as claimed. See the discussion of claim 1, Mundy does not specifically disclose a provided portal page to each end user subscriber when subscriber logs on to the Internet that is branded to identify the reseller organization through which he/she subscribes to the Internet access

service. Krishan teaches of a portal page to each end user subscriber when he logs on to the Internet that is branded to identify the reseller organization through which he subscribes to the Internet access service. **(Abstract, Col 14, lines 60-Col 15, line 7)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the portal page branded disclosed by Krishan in the invention of Mundy because these portals would allow a starting point for browsing the web and to sell goods and services.

As to claim 8, Mundy discloses the invention substantially as claimed. See the discussion of claim 5, Mundy does not specifically teach about a portal page that provides a link to a website of the associated reseller organization, a link to an online store associated with the subscriber's reseller organization, as well as a link to the end user subscriber's reward point data. Krishan teaches about a each portal page that provides a link to a website of the associated reseller organization, a link to an online store associated with the subscriber's reseller organization, as well as a link to the end user subscriber's reward point data.**(Col 1, lines 36,45)**. Therefore It would have been obvious to one of ordinary skill in the art at the time of the invention to include the links taught by Krishan in the invention of Mundy because portals typically include links that take the user to another web page.

As to claim 9, Mundy discloses the invention substantially as claimed. See the discussion of claim 3, Mundy does not specifically disclose a reseller organization that

controls the dissemination of permission marketing ads and fundraising materials on each end user subscriber's portal page. Krishan discloses a reseller organization that controls the dissemination of permission marketing ads and fundraising materials on each end user subscriber's portal page (**Summary and Background of the invention, Col 12,line 53-Col 13,line45**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ads taught by Krishan in the invention of Mundy because many companies view the Internet as a profitable place to advertise their goods and services.

As to claim 10, Mundy discloses the invention substantially as claimed. See the discussion of claim 1, Mundy does not specifically teach of an end user subscriber's portal page that provides links to message boards which deal with issues associated with the reseller organization. Krishan teaches an end user subscriber's portal page provides links to message boards which deal with issues associated with the reseller organization (**Col 14, lines 60-69**). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the message board taught by Krishan in the invention of Mundy because it would be a part of a complete Internet solution to offer to subscribers.

Claims 12-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,779,034 Mundy and US 5,794,221 Egendorf further in view of US 6,607,136 Atsmon et al and further in view of US 6,442,529 Krishan et al.

As to claim 12, Mundy discloses the invention substantially as claimed. See the discussion of claim 1, 2 and 3. Mundy does not disclose the selection of the reseller organization, Krishan discloses the selection of the reseller organization at **(abstract)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the selection of the reseller organization disclosed by Krishan in the invention of Mundy because this would permit ISPs provide different kind of services and products to their subscribers.

As to claim 13, Mundy discloses the invention substantially as claimed. See the discussion of claim 5. Mundy does not specifically disclose a branded portal page for user subscriber. Krishan teaches of a portal page at **(Abstract, Col 14, lines 60-69)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the portal page branded disclosed by Krishan in the invention of Mundy because these portals would allow a starting point for browsing the web and to sell goods and services.

As to claim 15, Mundy discloses the invention substantially as claimed. See the discussion of claim 7. Mundy does not specifically disclose a software program and a database. Atsmon discloses a software program (Also called application software) and a Database at **(Col. 6, lines 45-48, Col. 5, lines 15-20)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the software and the database taught by Atsmon in the invention of Mundy because ISPs would differentiate

from each other if they offer this kind of embodiments in their services.

As to claim 16, Mundy discloses the invention substantially as claimed. See the discussion of claim 8. Mundy does not specifically teach about a portal page that provides a links to websites. Krishan teaches about a portal page that provides a link to a website (**Col 1, lines 36, 45**). Therefore It would have been obvious to one of ordinary skill in the art at the time of the invention to include the links taught by Krishan in the invention of Mundy because portals typically include links that take the user to another web page.

As to claim 17, Mundy discloses the invention substantially as claimed. See the discussion of claim 9. Mundy does not specifically disclose marketing ads and fundraising materials on each portal page. Krishan discloses of marketing ads and fundraising materials (**Col. 1, lines 36-45**). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the ads taught by Krishan in the invention of Mundy because many companies view the Internet as a profitable place to advertise their goods and services

As to claim 18, Mundy discloses the invention substantially as claimed. See the discussion of claim 10. Mundy does not specifically teach of a portal page that provides links to message boards which deal with issues associated with the reseller organization. Krishan teaches of a portal page that provides links to message boards

which deal with issues associated with the reseller organization (**Col 14, lines 60-69**). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the message board taught by Krishan in the invention of Mundy because it would be a part of a complete Internet solution to offer to subscribers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Victoria Vanderhorst whose telephone number is 571-270-3604. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Maria Victoria Vanderhorst/

Examiner, Art Unit 4194

/V. V./

12/13/2007

/Charles R. Kyle/

Supervisory Patent Examiner, Art Unit 4194